

Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Supplemental Legislative Analysis

Infrastructure and Land Use Committee

Tuesday, March 8, 2005

9:30 AM

Commission Chamber

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Commission Auditor

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Miami, Florida 33128
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**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor
Supplemental Legislative Analysis**

**Infrastructure & Land Use Committee Meeting Agenda
March 8, 2005**

Written analyses for the below listed items are attached for your consideration in this Supplemental Legislative Analysis.

Item Numbers

3(O)

Written analyses for the below items were included in the original Legislative Analysis package distributed on February 25, 2005.

Item Numbers

2(H)	3(I) / 3(J)
3(B) & Substitute	3(N)

If you require further analysis of these or other agenda items, please contact Gary Collins, Acting Chief Legislative Analyst, at (305) 375-1826.

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LEGISLATIVE ANALYSIS

ORDINANCE RELATING TO INCORPORATION

Commissioner Dennis C. Moss

I. SUMMARY

This ordinance provides modifications to the incorporation process. This ordinance increases the percentage of registered voters necessary in meeting the prerequisite for a petition for referendum. This ordinance also attempts to bring both the petition and MAC options together to address flaws in the transparency and efficiency of the incorporation process.

II. PRESENT SITUATION

In Miami-Dade County there are currently two paths a community may take to establish incorporation. The community may choose to meet the requirements through (1) a Petition for Referendum or by means of (2) a Municipal Advisory Committee (MAC). As more communities have inquired about the opportunity to incorporate, there has been much discussion and criticism over which process is most efficient, while remaining fair to all constituents.

1. Petition for Referendum- *(the current process)*

- Constituents must provide a valid and complete petition with the consent of 10% of the registered voters residing in the proposed area.
 - Once the signatures are gathered the petition should be delivered to the Clerk of the Board of County Commissioners.
 - The Clerk of the Board of County Commissioners transmits a copy of the petition to the Office of Management and Budget.
 - Upon the Office of Management and Budget determining the petition is complete, the department notifies the Clerk of the Board. The Office of Management and Budget then proceeds with the task of making recommendations to the County Manager.
 - The County Manager then brings the issue to the BCC as a public hearing item.
- This process has been criticized for having a low consent percentage (of 10%) for establishing an incorporated area in Miami-Dade County.
- The petition process is a bit more "hands off" than the MAC process.

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- Due to the flexibility provided through the petition process, many constituents have stated they were unaware of any meetings regarding incorporation possibilities in their residential area(s).
- Many constituents have also expressed that they did not know what they were signing.
- Some constituents have stated they were not informed of the true impact incorporation will have on their area.

2. Municipal Advisory Committee (MAC)- *(the current process)*

- The collective interest of individual constituents or a group of constituents ask their respective County Commissioner to entertain the opportunity to incorporate the area they reside in.
 - MAC members are later appointed and collectively meet in a forum open to the public to address and study the practicality of incorporation for the area they reside in.
 - The MAC proceeds with performing a study (report) on the proposed area of incorporation with oversight provided by the Office of Management and Budget.
 - The intent of setting up a MAC is to involve constituent participation and their opinions to pertinent concerns.
 - The MAC's study should address the concerns a new municipality will face with incorporating and operating as a new municipality.
 - After the MAC and the Office of Management and Budget have finalized their study a report is passed on to the County Manager who brings the issue to the BCC as a public hearing item.
- Although, the MAC carries on their process with the assistance and oversight of the Office of Management and Budget, constituents have expressed sentiments of not being well informed of the process.

III. POLICY CHANGE AND IMPLICATION

- This ordinance provides a means of bringing the petition process and the MAC process together. Bringing the two paths together with the desire to provide more open discussion between neighbors. This ordinance should allow for a more transparent and true outlook of how the greater part of the community truly feels.

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- The ordinance proposes an increase of consent from 10% of the registered voters in the area to 25%. Some may express the increased percentage requirement from 10% to 25% is pretty lofty and unrealistic for simply starting an incorporation process. Others will say the consent percentage could be higher and the overwhelming masses should be for this before spending the resources, time, and money.
- This ordinance deletes language stating the County Manager should be notified by the Clerk of the Board and replaces that step with the Clerk notifying the Board of County Commissioners (BCC). The Clerk of Courts is being asked to notify the respective Commissioner(s) of the proposed area who has the authority to bring the item to the BCC as a public hearing item.
- This ordinance brings the petition and MAC process together by stating that a complete petition must proceed through the MAC process before being brought to the respective Commissioner and the BCC.
 - Section 20-21 mandates that petitions filed prior to or subsequent to the effective date of this ordinance must now progress through the MAC process to provide a report fully addressing issues involved in incorporating.
 - Section 20-21 also states, “[n]o petitions having had their initial public hearing prior to the effective date of this ordinance shall receive further consideration by the County Commission or any county established board, unless and until the provisions of this section and Section 20-20(c) have been met.”

IV. ECONOMIC IMPACT

N/A

V. COMMENTS AND QUESTIONS










- Attachment 1: Map of the actively pursued incorporation and annexation areas.
- Attachment 2: Incorporation/Annexation Status Report as of March 2005
- Attachment 3: Municipal Incorporation Elections (1990-Present)

Proposed Annexation

1. Coral Gables - Davis Poyne Annexation
2. Doral Annexation
3. Florida City Annexation
4. Homestead Annexation
5. Midway Annexation
6. Miami Shores Annexation
7. Miami Springs Annexation
8. Sweetwater Annexation
9. Virginia Gardens Annexation

Actively Pursued Incorporation and Annexation Areas

Legend

-  Proposed Municipality
-  Municipal Advisory Committee
-  Proposed Incorporation Petition
-  Proposed Annexation
-  Proposed Annexation - Potential Conflicts
-  Proposed Annexation - Potential Multiple Conflicts
-  2000 Planned Urban Development Boundary
-  Highway
-  Major Road

This map was prepared by the Miami-Dade County Enterprise Technology Services Department Strategic Technologies Division March, 2005
For the Office of Strategic Business Management Incorporation and Annexations And Municipal Contracting Services

miamidade.gov



Incorporation/Annexation Status Report As of March 2005

Municipal Advisory Committees

Biscayne Gardens

The Biscayne Gardens Municipal Advisory Committee (MAC) is now preparing its proforma budget.

Fisher Island

The MAC has created a Budget Subcommittee to begin preparing a proforma budget. However, police cost for services is still unresolved. Miami Dade Police Department (MDPD) sent a letter to the MAC advising them that they are reevaluating the original proposal recommending a 17 person police operation at a \$2.1 million cost. The MAC contends that the proposal does not reflect the needs of the island's residents. The MAC is trying to determine if a location for a City Hall can be established which would not impede upon privacy of the island. The next meeting is scheduled for March 30, 2005. The Budget Subcommittee will meet on March 7, 2005 and on March 28, 2005.

Fontainebleau

The proposed incorporation of Fontainebleau item was heard before the Planning & Advisory Board (PAB) on January 10, 2005. The PAB recommended denial (unanimously) of the proposed incorporation. The item will be forwarded to the Infrastructure and Land Use Committee.

Goulds

The MAC met on February 8, 2005. Two new members, appointed by Commissioner Sorenson, were present. The MAC decided to postpone the recent request to have County departments make secondary presentations to the MAC. Instead, the MAC is working on bringing the Mayors of Florida City and Homestead to make special presentation on municipal budget issues during the March and April MAC meetings. The MAC requested MDPD to return in May to make the presentation based on the current MAC boundaries. The next MAC meeting is scheduled for March 10, 2005.

North Central Dade

The proposed incorporation item was heard on December 6, 2004 at Miami Central High School at 6:00 PM by the Planning Advisory Board (PAB). The PAB recommended denial (unanimously) of the proposed incorporation. The item will be forwarded to the Infrastructure and Land Use Committee.

Northeast Dade

The Northeast Dade MAC proposed incorporation report is scheduled to be heard by the Boundaries Commission on March 23, 2005 at 9:30 AM in the BCC Chambers.

PLANT (Princeton, Leisure City, and Naranja)

The PLANT MAC (PMAC) met on September 16, 2004 and discussed their pro-forma budget. The PMAC decided not to meet again until they had more information from the FCRC concerning their desire to expand its boundaries. The PMAC chairperson said he would contact the FCRC as to their status.

Redland

The Redland MAC (RMAC) had their last meeting on January 22, 2004. The major discussion item was Commissioner Sorenson and Commissioner Moss' resolution. The RMAC has conflicts with Goulds and PLANT concerning the boundaries and is currently in negotiations with the FCRC.

Annexations

Davis Ponce

A draft staff report of the Davis Ponce annexation application has been submitted for review by the Assistant County Manager. It is anticipated that the Davis Ponce annexation application will be scheduled for a public hearing at the April meeting of the Infrastructure and Land Use Committee.

Doral

The Doral application went before the BCC on September 9, 2004. The BCC did not accept the application. The Board gave the Manager 120 days to mediate mutually agreeable boundaries with Virginia Gardens, Medley, and Miami Springs. The cities last met on January 31, 2005.

Florida City

The Florida City application was reviewed by the Infrastructure and Land Use Committee on February 8, 2005 and was forwarded to the BCC without recommendation. The County Attorney was instructed at that meeting to prepare an ordinance for approval of the boundary change. On March 1, 2005, the BCC deferred its discussion of the report and had a first reading for the ordinance. The ordinance will receive a second reading and the report will be discussed at a public hearing no sooner than April 19, 2005.

Homestead

The City of Homestead annexation item was presented to the Boundaries Commission (BC) on January 19, 2005. The members recommended approval of the proposed annexation, 3 votes to 2. The item is now scheduled to be heard by the PAB on March 7, 2005 at 6:30 pm in the BCC chambers.

Medley

The Medley application went before the BCC on September 9, 2004. The BCC did not accept the application. The Board gave the Manager 120 days to mediate mutually agreeable boundaries with Doral, Virginia Gardens, and Miami Springs. The cities last met on January 31, 2005.

Miami Shores

An annexation application was received from the Village of Miami Shores on November 26, 2004. The application has been accepted by the BCC and a staff report has been prepared. The report is scheduled for presentation to the Boundaries Commission on March 23, 2005 at 9:30 AM in the BCC chambers.

Miami Springs

The Miami Springs application went before the BCC on September 9, 2004. The BCC did not accept the application. The Board gave the Manager 120 days to mediate mutually agreeable boundaries with Doral, Virginia Gardens, and Medley. The cities last met on January 31, 2005.

Sweetwater

An annexation application was accepted by the BCC on February 1, 2005. Currently, County departments are reviewing the application for departmental inputs. The initial deadline to submit comments is March 2, 2005.

Virginia Gardens

The Virginia Gardens application was accepted by the BCC on September 23, 2003. On September 9, 2004, The Board gave the Manager 120 days to mediate mutually agreeable boundaries with Doral, Medley, and Miami Springs. The cities last met on January 31, 2005.

Transition Cities

Cutler Ridge

On March 1, 2005, the Board of County Commissioners established the Cutler Ridge Charter Commission. Preparations are under way for the Commission's initial meeting, including completion of relevant paperwork (in coordination with the Clerk of the Board), scheduling of the meeting, and preparation of a tentative agenda and draft charter.

Doral

The City of Doral Roads Transfer Agreement was approved by the BCC on January 20, 2005. The agreement has been signed and distributed to the City.

Miami Gardens

All interlocal agreements with the City of Miami Gardens have been completed and recorded. The deeds to three parks have not been transferred due to funding and construction issues. The Carol City Community Center Funding Interlocal Agreement is being prepared and once completed will be presented to the City of Miami Gardens for their approval and returned to the County for BCC action.

Palmetto Bay

The Village of Palmetto Bay Roads Transfer Agreement received final BCC approval on January 20, 2005. The agreement has been signed and distributed to the Village.

Additional Information

Redland Petition

The BCC deferred consideration of this petition for incorporation at their December 14, 2004 meeting. The petition was received by the Clerk of the Board on May 17, 2004 and has been certified by the Elections Department. No date certain was established by the board for future consideration of the petition.

**MUNICIPAL INCORPORATION ELECTIONS
1990 to Present**

Election	Election Date	Registered Voters	Ballots Cast	Turnout %	YES Votes %
Key Biscayne Incorporation	11/06/90	4,241	3,087	72.79%	56.66%
Key Biscayne Charter Approval	06/18/91	3,868	1,693	43.77%	67.51%
Aventura Incorporation	04/11/95	11,984	5,164	41.51%	85.18%
Aventura Charter Approval	11/07/95	12,197	3,909	32.05%	89.59%
Pinecrest Incorporation	09/19/95	10,321	4,786	46.37%	65.91%
Pinecrest Charter Approval	03/12/96	8,769	4,609	52.56%	58.21%
Sunny Isles Beach Incorporation	01/07/97	6,838	2,678	39.16%	72.72%
Sunny Isles Beach Charter Approval	06/16/97	6,973	1,892	27.13%	81.75%
Miami Lakes Incorporation	09/05/00	9,760	4,743	48.60%	87.09%
Miami Lakes Charter Approval	12/05/00	10,699	1,566	14.64%	94.19%
Palmetto Bay Incorporation	02/05/02	13,702	6,391	46.64%	81.49%
Palmetto Bay Charter Approval	09/10/02	13,762	7,225	52.50%	83.24%
Doral Incorporation	01/28/03	6,985	1,985	28.42%	85.45%
Doral Charter Approval	06/24/03	7,531	776	10.30%	92.19%
Miami Gardens Incorporation	01/28/03	51,582	8,032	15.57%	63.55%